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| 10/551,254      | 06/26/2006  | G. Eric Engstrom     | 120083-137147       | 1806             |

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| EXAMINER |
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DOAN, KIET M

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| ART UNIT | PAPER NUMBER |
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2617

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04/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/551,254             | ENGSTROM, G. ERIC   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | KIET DOAN              | 2617                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/23/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 7, 12 and 15 are objected to because of the following informalities:  
The phrase “plurality of components couple to each other...” is unclear and difficult to understand, since it appears the limitation can be interpreted as separate device/components altogether to facilitate a wireless device. Appropriate correction is required.

- For the purposes of examination, the examiner interpreted “plurality of components” as display, keypad, etc., the applicant is invited to amend the claim to better define this concept.

Claims 6 and 13 the word “removably” must be changed to “removable”.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 7, 9 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata et al. (US 6,788,928 B2) in view of West et al. (US 6,544,174 B2).

Consider claims 1, 7, 12 and 15. Kohinata teaches a wireless mobile phone comprising:

a plurality of components coupled to each other to facilitate wireless telephony communication by a user (Col.10, lines 21-39, Fig.5, Illustrate cellular phone 51, wherein contain plurality of components such as display, memory and transceiver...) ;

operating logic to receive the real time captured heart beat profile of the user and to selectively operate the components depending on whether the user is successfully authenticated via a real time captured heart beat profile of the user (Abstract, Col.7, lines 11-27, Col.8, lines 31-45 teach authenticated for use of cellular phone base on temperature and Col.2, lines 7-14 teach user pressing/depressing button on keypad to execute the authentication which read on selective operating the cellular phone). Kohinata **fails to explicitly teach and silent on** capture "hear beat" and

a plurality of sensors to facilitate real time capturing of a heart beat profile of the user .

In an analogous art, **West teaches** a plurality of sensors to facilitate real time capturing of a heart beat profile of the user (Col.1, lines 19-21, Col.12, lines 45-60, Fig.5 show monitor device 22a contain plurality sensors that detect/measure select vital sign data from user wherein the vital signs including temperature, blood pressure, heart rate, etc.,).

Therefore, it would have been obvious at the time that the invention was made to modify Kohinata with West's system such that mobile device having sensors to capture heart beat and base on hear beat to authorize the user operating function of mobile phone in order to provide the security and fast emergency service for the user.

Consider **claims 3 and 9**. The combination of Kohinata and West teach the wireless mobile phone of claim 1, further Kohinata teaches wherein the operating logic further comprises logic to save the real time captured heart beat profile of the user as a reference heart beat profile for authentication (Fig.5, show memory 11 as save the real time captured heart beat/temperature data).

Consider **claims 13 and 16**. The combination of Kohinata and West teach the wireless mobile phone of claim 12, further Kohinata teaches wherein the operating logic enables the components to provide first one or more functions, including a function to retrieve a bio-metric reference from a storage removably attached to the wireless mobile phone, while operating the components in said first mode, and further enables the components to provide second additional one or more functions, while operating the components in said second mode (Col. 6, lines 17-30, Col.7, lines 1-27 teach authorize user to access mobile device base on reading from Bio data/Tem. unit that allow the user to control or shifts different states)

Consider **claims 14 and 17**. The combination of Kohinata and West teach the wireless mobile phone of claim 13, further Kohinata teaches wherein the bio-metric input comprises a heart beat profile of the user to be authenticated (Col.6, lines 17-29, Fig.5 show bio data unit 19 that wherein the bio-metric input and authentication unit 18 manage user or authorize user operate/access mobile device).

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4. Claims 2, 6, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata et al. (US 6,788,928 B2) in view of West et al. (US 6,544,174 B2) and further view of Aguglia (US 2004/0027246 A1).

Consider **claims 2 and 8**. The combination of Kohinata and West teach the wireless mobile phone of claim 1, **but is silent on** wherein the operating logic further comprises logic to compare the real time captured heart beat profile of the user against a reference heart beat profile.

In an analogous art, **Aguglia teaches** wherein the operating logic further comprises logic to compare the real time captured heart beat profile of the user against a reference heart beat profile (Abstract, Paragraphs [0016], [0028-0029] teach sensor measure heart rate and compare with reference value that store in the memory).

Therefore, it would have been obvious at the time that the invention was made to modify Kohinata and West with Aguglia's system such that compare the real time captured heart beat profile of the user against a reference heart beat profile in order to quick identify and analyze any dangers health to the user.

Consider **claims 6 and 11**. The combination of Kohinata and West teach the wireless mobile phone of claim 1, further Aguglia teaches wherein the wireless mobile phone further comprises a reader to facilitate retrieval of the reference heart beat profile from a storage removably attached to the wireless mobile phone (Paragraphs [.0029-0031] teach the comparison and which obviously need to retrieval the reference data from memory and then compared).

5. Claims 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata et al. (US 6,788,928 B2) in view of West et al. (US 6,544,174 B2) and further view of Leduc (US 2004/0024706 A1).

Consider **claim 4 and 10**. The combination of Kohinata and West teach the wireless mobile phone of claim 1, **but is silent on** wherein the wireless mobile phone further comprises a reader to facilitate provision of the reference heart beat profile via an identity card.

In an analogous art, **Leduc teaches** wherein the wireless mobile phone further comprises a reader to facilitate provision of the reference heart beat profile via an identity card (Paragraphs [0028], [0034] teach emergency device 10 is smart card that read and recording biomedical information of user).

Therefore, it would have been obvious at the time that the invention was made to modify Kohinata and West with Leduc's system such that wherein the wireless mobile phone further comprises a reader to facilitate provision of the reference heart beat profile via an identity card in order to maintain/record data information of the user in a compact size.

Consider **claim 5**. The combination of Kohinata and West and Leduc the wireless mobile phone of claim 4, further Leduc teaches wherein the reference heart beat profile is stored on said identity card in a manner to be read by a reader selected from the reader group consisting of an electronic reader, an optical reader, and a magnetic

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reader, and the wireless mobile phone further comprises the selected reader (Paragraphs [0028], [0036-0037], Fig.1, show smart card 10 as store data information).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Wheeler et al. (US 2002/0072348 A1), paragraph [0010] teach mobile device with sensor detecting heart beat of the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on Monday through Friday from 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617